Doc Code:

PTO/SB/64 (09-06)
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02-26-07   DAT ৡ

FEB 2 3 2007   OIPE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) HER0098

First named inventor: William Goggin et al.

Application No.:   10/078,830

Art Unit: 3653

Filed: February 19, 2002

Examiner: Jeffery A. Shapiro

Title: **METHOD OF STORING TEST DATA IN A FUEL DISPENSER**

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

RECEIVED

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
    (1) Petition fee;
    (2) Reply and/or issue fee;
    (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
        filed before June 8, 1995; and for all design applications; and
    (4) Statement that the entire delay was unintentional.

1. Petition fee

    ☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

    ☒ Other than small entity - fee $ __1,500__ (37 CFR 1.17(m))

2. Reply and/or fee

    A. The reply and/or fee to the above-noted Office action in

        the form of _____A CONTINUATION APPLICATION_____ (identify type of reply):

        ☐ has been filed previously on _____ .

        ☒ is enclosed herewith.

    B. The issue fee and publication fee (if applicable) of $ _____ .

        ☐ has been paid previously on _____ .

        ☐ is enclosed herewith.

[Page 1 of 2]

02/27/2007 GWORDOF2 00000012 10078830
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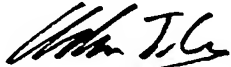
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	February 23, 2007
	Date
Adam F. Cox	**46,644**
Typed or printed name	Registration Number, if applicable
BAKER & DANIELS LLP	**260-424-8000**
Address	Telephone Number
111 East Wayne Street, Suite 800, Fort Wayne, IN 46802	
Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 23, 2007	
Date	Signature
	Adam F. Cox
	Type or printed name of person signing certificate

Sherry Brinkley

#7

Reviewer: _____OB_____ Date: __2-23-07__

36M1-36X1
01/08/07

APPLICATION NO. ___10/078830___

1. PETITION TYPE

PETITION TYPE	CODE		PETITION TYPE	CODE
R137(a) Petition	501		R28c Petition (small to large)	321
			R28c Petition (large to small)	320
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(Issue Fee/Dwgs)			R53 Petition(Lost App., postcard	
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2. LIST PAPERS FILED WITH PETITIONS

PreAmdt/Amdt	CPA	Associate POA
Filing Fees	RCE	Terminal Disclaimer
Reply/Arguments	IDS	Change of Address
Election	129(a) Submsn	Revocation/POA
Notice of Appeal	Issue Fee	Priority Documents
Brief (3)	Drawings	Request C of C
Reply Brief	Oath/Decl & PQA	Rule 312 Amdt
Declaration R132	Ext Time (___)	Statement 3.73b

Other Papers_____

_____

3. Is paper a petition to withdraw holding of abandonment: ____yes____no
   If so, send paper and/or file to appropriate location *(Note: remove any flag set first):*

   a. Nonreceipt of action from TC or assertion that reply was timely filed:
      Send paper to TC_____

   b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
      Send paper to -OIPE - -CP2-5B26- - ATTN: Doshie Day

   c. Assertion of timely payment of issue fee and/or submission of drawings:
      Send petition to Office of Publications: ATTN: Tom Hawkins

   d. Other_____

4. Other: _____
   If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? ____ yes ____ no · If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)